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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,212	10/11/2001	Matthew G. Collins	832	7884
7590	01/04/2006		EXAMINER	
Donald J. Ersler 725 Garvens Avenue Brookfield, WI 53005			VAN BRAMER, JOHN W	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/975,212		COLLINS ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	John Van Bramer		3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 October 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                    |                                                                             |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____                                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>122701</u> .                                                              | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it exceeds 150 words in length. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 13-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 recites the limitation "said plurality of electronic files" in line 11.

There is insufficient antecedent basis for this limitation in the claim. "An electronic file" is disclosed in Claim 13, lines 4-5, but a basis for additional files has not been

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established. Claims 14-17 suffer from the same deficiency since they are dependent on Claim 13.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6 and 8-12 rejected under 35 U.S.C. 102(b) as being anticipated by Plainfield et al. (U.S. Patent Number: 5,893,075).

Claim 1: Plainfield discloses a method of obtaining information from a prospect comprising the steps of:

- a. Providing an information entry processor. (Col 3, lines 8-21 and Col 4, lines 8-28)
- b. Offering a prize in exchange for the entry of information about the prospect into said information entry processor. (Col 3, lines 8-21 and Col 4, lines 8-28)
- c. Sending said information to a central server. (Col 3, lines 8-21 and Col 4, lines 8-28)
- d. Sending the prospect a reply to said entry of personal information. (Col 3, lines 8-21 and Col 4, lines 8-28)

Claim 2: Plainfield discloses the method of obtaining personal information from a prospect of claim 1, wherein: said reply being a letter sent through the postal service. (Col 3, lines 8-21 and Col 4, lines 8-28)

Claim 3: Plainfield discloses the method of obtaining personal information from a prospect of claim 1, wherein: said reply being an e-mail message. (Col 3, lines 8-21 and Col 4, lines 8-28)

Claim 4: Plainfield discloses the method of obtaining personal information from a prospect of claim 1, wherein: said information being personal contact information. (Col 3, lines 8-21 and Col 4, lines 8-28)

Claim 5: Plainfield discloses the method of obtaining personal information from a prospect of claim 1, wherein: said information being answers to a set of survey questions. (Col 3, lines 8-21 and Col 4, lines 8-28)

Claim 6: Plainfield discloses the method of obtaining personal information from a prospect of claim 5, wherein: said survey questions being customizable by a party asking said survey questions. (Col 6, lines 1-35)

Claim 8: Plainfield discloses the method of obtaining personal information from a prospect of claim 1, wherein: database management software enabling a party to manipulate various different parameters describing each prospect and the time when the prospect made their entry of information. (Col 6, lines 36-58)

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Claim 9: Plainfield discloses the method of obtaining personal information from a prospect of claim 1, wherein: database management software enabling a party to edit questions asked of the prospect. (Col 6, lines 1-35)

Claim 10: Plainfield discloses a system for obtaining information from a prospect comprising:

- a. At least one information entry processor facilitating the entry of information, said information being converted into an electronic file. (Col 3, lines 8-21 and Col 4, lines 8-28)
- b. A central server receiving at least one electronic file from said at least one information entry processor, said central server entering each said electronic file into a database. (Col 3, lines 8-21 and Col 4, lines 8-28)
- c. A mail fulfillment house receiving a plurality of electronic files from said central server, said mail fulfillment house mailing a reply letter to each person listed in said plurality of electronic files. (Col 3, lines 8-21 and Col 4, lines 8-28)

Claim 11: Plainfield discloses the system for obtaining information from a prospect of claim 10, further comprising: database management software enabling a party to manipulate various different parameters describing each prospect and the time when the prospect made their data entry. (Col 6, lines 36-58)

Claim 12: Plainfield discloses the system for obtaining information from a prospect of claim 10, further comprising: database management software enabling a party to edit questions asked of the prospect. (Col 6, lines 1-35)

7. Claims 13-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Logan et al. (U.S. Patent Number: 5,721,827).

Claim 13: Logan discloses a system for obtaining personal contact information from a prospect comprising:

- a. At least one Internet access device facilitating the entry of information, said information being converted into an electronic file. (Col 8, line 32 through Col 9, line 11)
- b. An Internet web page being connected to said at least one Internet access device. (Col 8, line 32 through Col 9, line 11)
- c. A central server receiving at least one said electronic file from said internet web page, said central server entering each said electronic file into a database, said central server sending a reply to each person listed in said plurality of electronic files. (Col 8, line 32 through Col 9, line 11)

Claim 14: Logan discloses the system for obtaining personal contact information from a prospect of claim 13, further comprising: said reply being a letter sent through the postal service. (Col 8, line 32 through Col 9, line 11: This section describes the attainment of a billing address from the user.) and

(Col 26, line 53 through Col 27, line 3: This section describes what the subscriber billing is based upon) Therefore, it is inherent that these bills are sent by postal mail to the billing address.

Claim 15: Logan discloses the system for obtaining personal contact information from a prospect of claim 13, further comprising: said reply being an e-mail message. (Col 28, line 59 through Col 29, line 4)

Claim 16: Logan discloses the system for obtaining personal contact information from a prospect of claim 13, further comprising: database management software enabling a user to manipulate various different parameters describing each prospect and the time when the prospect made their data entry. (Col 21, lines 10-29)

Claim 17: Logan discloses the system for obtaining personal contact information from a prospect of claim 13, further comprising: database management software enabling a party to edit questions asked of the prospect. (Col 40, lines 6-42)

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Plainfield et al (U.S. Patent Number: 5,893,075) in view of Logan et al. (U.S. Patent Number: 5,721,827).

Claim 7: Plainfield discloses the method of obtaining personal information from a prospect of claim 1. While the teachings of Plainfield describe communicating over a remote network (U.S. Patent Number: 5,893,075, Col 3, lines 8-21), it is not specifically stated that an Internet web page is used. However, in the analogous teachings of Logan, the remote network includes the entry of information customer information via an Internet web page. This information is subsequently sent to a central server for processing. (U.S. Patent Number: 5,721,827, Col 8, line 32 through Col 9, line 11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to accomplish this data entry function utilizing a web page interface that is connected to a central server. One would have been motivated to do this in order to provide a visual pleasing interface with which a user would interact.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Herz et al. (U.S. Patent Number: 5,754,939) which discloses a similar system for collecting information from consumers in order to facilitate targeted advertising.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 9am - 5pm Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*JVB*

jvb

December 19, 2005



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